

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHANNON GIBSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:22-CV-163-SPM
	)	
OFFICER UNKNOWN HADZIC, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court *sua sponte*. On April 12, 2022, Plaintiff filed his (Second) Amended Complaint and Demand for Jury Trial. (Doc. 7). Plaintiff initiated this civil action on February 10, 2022, by filing a Complaint pursuant to 42 U.S.C. § 1983. (Doc. 1). On February 28, 2022, Plaintiff filed his (First) Amended Complaint (Doc. 5), and on March 24, 2022, he complied with the Court's Order by paying the \$402 filing fee. Then, on April 12, 2022, Plaintiff filed his (Second) Amended Complaint.

Pursuant to Rule 15, Federal Rules of Civil Procedure ("Rule(s)"), a party may only file an amended complaint once. Fed. R. Civ. P. 15(a)(1). After this, the party must request permission from the Court to file another amendment. Fed. R. Civ. P. 15(a)(2).

Rule 15 provides the following:

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it . . .

(2) Other Amendments. **In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave.** The court should freely give leave when justice so requires.

Fed. R. Civ. P. 15(a). Here, Plaintiff properly filed his (First) Amended Complaint on February 28, 2022, because it was within 21 days of filing his initial Complaint on February 10, 2022. However, because Plaintiff already filed his one amendment allowed, he must now request leave of Court if he wishes to file his (Second) Amended Complaint. To do so, Plaintiff must file a motion asking the Court for leave to file his new Complaint. The Court will give Plaintiff until May 13, 2022, to file such a motion. In the motion, Plaintiff should explain the reasons for filing another amendment and include his proposed Complaint with the motion. If Plaintiff does not file a motion by that date, the Court will not consider his (Second) Amended Complaint filed on April 12, 2022, and his (First) Amended Complaint filed on February 28, 2022 will be the operative pleading that Plaintiff will then be required to serve on Defendants.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Complaint and Demand for Jury Trial (Doc. 7) is **STRICKEN**. If Plaintiff wishes to file a Second Amended Complaint, he must file a motion **no later than May 13, 2022** requesting leave of Court to do so.



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SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of April, 2022.